

**APRIL 12, 2005**

**CITY OF GUNNISON COUNCIL**  
**REGULAR SESSION MINUTES**

**7:00 P.M.**

The Regular Session was called to order at 7:00 P.M., by Mayor Ferguson with City Councilors Simillion, Stone, Smits and Duba present along with City Attorney Landwehr, City Manager Collins, City Clerk Davidson, Acting City Manager Coleman, Finance Director Hanson, Community Development Director Westbay, Fire Marshal Spritzer, Building Official Sniffen, Parks & Recreation Director Ampietro, members of the Fiscal Impact Analysis Committee, several interested citizens and the press.

**APRIL 12, 2005**

**PUBLIC HEARING**

**7:00 P.M.**

Mayor Ferguson opened the Public Hearing at 7:00 P.M. and stated the purpose of the Public Hearing is receive Public Input on Ordinance No. 3, Series 2005; Adoption by Reference of the 2003 International Codes with Amendments.

Mayor Ferguson asked for proof of publication. City Clerk Davidson stated there is proof of publication. Mayor Ferguson then asked for applicant input. Mark Sniffen, City Building Official and Steve Westbay, Director of Community Development, reviewed the amendments to the Code.

Mayor Ferguson called for Public Input.

David Neff, local electric contractor, addressed Council. Mr. Neff is concerned with the repair/additions section of the Mechanical Code section. The way it reads a contractor doing a repair to an existing unit would have to pull a permit to make the repair. This will cost the customer more and will require more time on the part of the contractor or repairman. City Attorney Landwehr pointed out the Electric Code is driven by the State of Colorado. Mr. Neff stated that is for new installations and this will effect repair situations. Building Official Sniffen stated that the general guidelines of the Mechanical Codes outline what needs a permit and some repairs will require a permit. If the repair could be a life/safety issue then a permit and inspection will be required. The Building Department will be conducting training sessions on implementing the new codes. Generally, if the repair is a direct replacement part then a permit will not be required. Each situation will need to be reviewed. Council thanked Mr. Neff.

City resident Ralph Clark III came forward. He asked that the Code be placed on the website with guidelines on how to use the code. Also, he requested the City track problems with the code, especially by do-it-yourselfers who may find it hard to comply with the new code.

Hearing no further input, the Mayor closed the Public Hearing at 7: 17 P.M.

Councilor Stone asked the Building Official to put together some guidelines for contractors to follow on what needs a permit and what doesn't. These should address Mr. Neff's concerns.

**Consent Agenda:**

Mayor Ferguson stated the consent agenda is a group of items, which Council has already reviewed. The Mayor asked if any citizen or Councilmember wished to have any specific item discussed. There was no request.

**Regular Session Minutes of March 22, 2005.**

**Award Bid for 2005 Street Improvements to Pelino, Inc. in the Amount of \$74,684.47 and Schmalz Construction in the Amount of \$80,656.15**

**Award Bid for Volvo L110E Front-End Loader in the Amount of \$125,176.00 to Power Equipment Co.**

**Award Bid for Caterpillar 430D 4WDE Backhoe in the Amount of \$87,300 to Wagner Equipment Co.**

Councilor Stone moved and Councilor Simillion seconded the motion to approve the Consent Agenda as read.

Roll call vote, yes: Simillion, Stone, Ferguson, Smits, Duba. So carried.

Roll call vote, no: None.

Mayor Ferguson asked the agenda be amended to move Resolution No. 7 and Resolution No. 9 to the next items on the agenda. Council concurred.

**Resolution No. 7, Series 2005; Re: Commending Fiscal Impact Committee Members.**

Councilor Duba introduced Resolution No. 7, Series 2005, and it was read in its entirety by the Mayor.

Councilor Stone moved and Councilor Duba seconded the motion that Resolution No. 7, Series 2005, be **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, COMMENDING THE MEMBERS OF THE PLANNING AND ZONING COMMISSION AND THE CITY COMMUNITY DEVELOPMENT STAFF FOR THEIR DEDICATION AND PERFORMANCE**, be introduced, read, passed and adopted this 12<sup>th</sup> day of April, 2005.

Roll call vote, yes: Stone, Ferguson, Smits, Duba, Simillion. So carried.

Roll call vote, no: None.

All of Council thanked the members of the committee. Mayor Ferguson passed out certificates of appreciation and volunteer pins to each of the members.

**Resolution No. 9, Series 2005; Re: Commending Parks & Recreation Director Dan Ampietro.**

Councilor Stone introduced Resolution No. 9, Series 2005, and it was read in its entirety by the Mayor.

Councilor Simillion moved and Councilor Duba seconded the motion that Resolution No. 9, Series 2005, **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, RECOGNIZING AND COMMENDING DANIEL AMPIETRO FOR HIS OUTSTANDING PERFORMANCE AS DIRECTOR OF PARKS & RECREATION** be introduced, read, passed and adopted this 12<sup>th</sup> day of April, 2005.

Roll call vote, yes: Ferguson, Smits, Duba, Simillion, Stone. So carried.

Roll call vote, no: None.

All of Council thanked Director Ampietro for all of his work on the Community Center, with the Parks & Recreation programs and facilities and for his work in getting grants for City projects.

**Pre-Scheduled Citizens:** None.

**Unfinished Business:** None.

**New Business:**

**New Hotel & Restaurant Liquor License Application from Bowlz Gourmet Eatery, Ltd., 206 N. Main Street, Gunnison, and Set Public Hearing.**

City Clerk Davidson stated the applicants were present in the audience.

Councilor Stone moved and Councilor Simillion seconded the motion to set the Public Hearing on the New Hotel & Restaurant Liquor License Application from Bowlz Gourmet Eatery, Ltd., 206 N. Main Street, Gunnison, for Tuesday, April 26, 2005, at approximately 7:15 P.M. immediately following the Public Hearing on the proposed Design Standards.

Roll call vote, yes: Smits, Duba, Simillion, Stone, Ferguson. So carried.

Roll call vote, no: None.

**Appointment of Municipal Court Judge.**

Councilor Duba stated he and Councilor Simillion, as the nominating committee, heard input from City Councilors, City Staff and retiring Municipal Court Judge Furey. As such, they are nominating Clay Miller to be appointed as the Municipal Court Judge and James McDonald to be appointed as the Alternate Judge.

Councilor Stone moved and Councilor Simillion seconded the motion to appoint Clay Miller as the Gunnison Municipal Court Judge and James McDonald as the Alternate Municipal Court Judge.

Roll call vote, yes: Duba, Simillion, Stone, Ferguson, Smits. So carried.

Roll call vote, no: None.

Council thanked all of the applicants for the vacancy.

#### **Appointment of Election Commission.**

City Clerk Davidson stated she had received Betty Archuletta's resignation from the Election Commission due to her moving out of town. In addition, Melba French, who has served as the alternate Commissioner, does not want to continue in that capacity. Clerk Davidson is recommending appointment of Marian Hicks as Election Commissioner to fill the vacancy and Wilma Duffy to serve as the alternate.

Councilor Stone moved and Councilor Smits seconded the motion to appoint Marian Hicks as a full representative to the City Election Commission and Wilma Duffy as the alternate to the Election Commission.

Roll call vote, yes: Simillion, Stone, Ferguson, Smits, Duba. So carried.

Roll call vote, no: None.

#### **Ordinance and Resolutions:**

##### **Ordinance No. 3, Series 2005; Re: Adoption By Reference of 2003 International Codes with Amendments, 2<sup>nd</sup> Reading.**

Councilor Simillion introduced Ordinance No. 3, Series 2005, and it was read by title only by the City Attorney.

Councilor Smits moved and Councilor Simillion seconded the motion that Ordinance No. 3, Series 2005, **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON REPEALING AND RE-ENACTING CHAPTER 14, TECHNICAL CODES, ARTICLES 1 THROUGH 5, OF THE CITY CODE OF THE CITY OF GUNNISON, AND ADOPTING BY REFERENCE THE 2003 EDITIONS OF THE INTERNATIONAL BUILDING CODE, INTERNATIONAL RESIDENTIAL CODE, INTERNATIONAL EXISTING BUILDING CODE, INTERNATIONAL ENERGY CONSERVATION CODE, INTERNATIONAL MECHANICAL CODE, INTERNATIONAL FUEL GAS CODE, INTERNATIONAL FIRE CODE, AND INTERNATIONAL PROPERTY MAINTENANCE CODE, AND ESTABLISHING THE PENALTY FOR THE VIOLATION THEREOF**, be introduced, read, passed and adopted on second reading this 12<sup>th</sup> day of April, 2005.

Roll call vote, yes: Stone, Ferguson, Smits, Duba, Simillion. So carried.

Roll call vote, no: None.

##### **Ordinance No. 4, Series 2005; Re: Lease/Purchase Financing of Community Center HVAC System, Jet-Vac Truck and L100E Front-End Loader, 1<sup>st</sup> Reading.**

Councilor Smits stepped down due to any possible conflict of interest.

Councilor Stone introduced Ordinance No. 4, Series 2005, and it was read by title only the City Attorney.

Councilor Stone moved and Councilor Duba seconded the motion that Ordinance No. 4, Series 2005, **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, AUTHORIZING THE NEGOTIATION, EXECUTION, AND DELIVERY OF A LEASE-PURCHASE AGREEMENT IN THE PRINCIPAL AMOUNT OF \$505,652 FOR AN HVAC SYSTEM AND FIRE SUPPRESSION SYSTEM AT THE GUNNISON COMMUNITY CENTER AND A SECOND LEASE-PURCHASE AGREEMENT IN THE PRINCIPAL AMOUNT OF \$254,707 FOR A JET-VAC TRUCK FOR THE WATER &**

**SEWER DEPARTMENTS AND A FRONT-END LOADER FOR THE FLEET DEPARTMENT, BETWEEN BANK OF THE WEST, AS LESSOR, AND THE CITY OF GUNNISON, AS LESSEE, UNDER WHICH THE LESSEE WILL LEASE CERTAIN EQUIPMENT; AND PRESCRIBING OTHER DETAILS IN CONNECTION THEREWITH,** be introduced, read, passed and ordered published this 12th day of April, 2005.

Roll call vote, yes: Ferguson, Duba, Simillion, Stone. Motion carried.

Roll call vote, no: None.

Councilor Smits returned to the meeting.

**Ordinance No. 5, Series 2005; Re: Set Compensation for Mayor, City Council Members, and Appointed Board Members, 1<sup>st</sup> Reading.**

Prior to introduction, Council discussed Councilor Smits' proposal to pay the Planning & Zoning Commission Council liaison an additional per meeting stipend. Council consensus was to not pay the additional.

Councilor Duba introduced Ordinance No. 5, Series 2005, and it was read by title only by the City Attorney. Councilor Stone read the amount for each position. The Mayor will receive \$600 per month, City Councilor \$500 per month, Members of the Planning & Zoning Commission, the Zoning Board of Adjustment and Appeals, and the Building Board of Appeals will each receive \$50 per meeting. The compensation increases will become effective January 1, 2006.

Councilor Stone moved and Councilor Simillion seconded the motion that Ordinance No. 5, Series 2005, **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON AMENDING CHAPTER 2, ARTICLE 1, SECTION 1, OF THE CITY CODE OF THE CITY OF GUNNISON, COLORADO, PROVIDING AN INCREASE IN SALARIES FOR THE MAYOR AND COUNCILMEMBERS; AND PER SECTION 3.17 OF THE CITY OF GUNNISON MUNICIPAL HOME RULE CHARTER, SETTING AN INCREASE IN THE COMPENSATION OF THE PLANNING & ZONING COMMISSIONERS, ZONING BOARD OF ADJUSTMENT AND APPEALS MEMBERS, AND BUILDING BOARD OF APPEALS MEMBERS,** be introduced, read, passed and ordered published this 12th day of April, 2005.

Roll call vote, yes: Smits, Duba, Simillion, Stone, Ferguson. So carried.

Roll call vote, no: None.

Councilor Smits moved and Councilor Simillion seconded the motion to set the compensation for the Municipal Court Judge at \$1,500 per month starting January 1, 2006.

Roll call vote, yes: Duba, Simillion, Stone, Ferguson, Smits. So carried.

Roll call vote, no: None.

**Resolution No. 8, Series 2005; Re: Approval of Contract in the Amount of \$130,500 with State of Colorado Department of Transportation for Reconfiguration of the Median Island in Spencer Avenue at the Intersection of CO State Hwy 135.**

This item was discussed at the Work Session on April 5<sup>th</sup>.

Councilor Simillion introduced Resolution No. 8, Series 2005, and it was read by title only by the City Attorney.

Councilor Stone moved and Councilor Simillion seconded the motion that Resolution No. 8, Series 2005, **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, APPROVING AND AUTHORIZING THE EXECUTION OF THE CONTRACT BETWEEN THE STATE OF COLORADO, FOR THE USE AND BENEFIT OF THE COLORADO DEPARTMENT OF TRANSPORTATION, AND THE CITY OF GUNNISON IN THE AMOUNT OF \$130,500.00 FOR THE RECONFIGURATION OF THE MEDIAN ISLAND IN SPENCER AVENUE AT THE INTERSECTION OF COLORADO STATE HIGHWAY 135,** be introduced, read, passed and adopted this 12<sup>th</sup> day of April, 2005.

Roll call vote, yes: Simillion, Stone, Ferguson, Smits, Duba. So carried.

Roll call vote, no: None.

**City Attorney: Update on Sale of Webster Hall to Gunnison Community Church.** The City Attorney informed Council a copy of the contract is on their desks. The contract will be signed by the Community Church by the next Regular Session. The closing is set for no later than August 15, 2005, but can be sooner if the Parks & Recreation Department is fully moved earlier than that date.

City Manager Collins informed Council a copy of a memorandum from the County is in their packets concerning the sale of the Church's La Casa House. The County is asking the Manager to sign the letter if that is agreeable with Council. Council asked the Mayor and City Attorney to review the letter and if there are no changes, the Manager can sign the letter.

Councilor Stone moved and Councilor Smits seconded the motion to authorize the City Manager to sign the letter to the Community Church regarding the sale of the La Casa House by the Community Church once the Mayor and City Attorney have reviewed and approved the letter.

Roll call vote, yes: Stone, Ferguson, Smits, Duba, Simillion. So carried.

Roll call vote, no: None.

**City Manager: Mark Collins.** Had nothing further to report at this time.

**Acting City Manager – Public Works Director Ken Coleman.** Director Coleman informed Council the tree dump will open on April 18<sup>th</sup> and will be open Monday through Friday from 8 A.M. to 5 P.M. and on Saturday from noon to 4 P.M. They will accept residential yard waste. WSC has asked for additional work at the track project and the Public Works crew is doing additional dozer work. The City has also swept the entire length of Escalante Drive prior to the County work on the road.

**City Clerk: Gail Davidson.** Asked Council if they would be available on Thursday, May 5<sup>th</sup>, at 5:30 P.M. prior to the possible Special Session, for the dedication of the West Tomichi Riverway. Council will put the date on their calendars.

**WSC Intern:** None.

**Non-Scheduled Citizens:** None.

**General Discussion/Items for Work Session:**

**Councilor Smits: Report on Planning & Zoning Commission Meetings.** Informed Council the Planning Commission is forwarding a recommendation on adopting the Big Box Design Standards on to Council. They are now working on several conditional uses, a vacation application and a Three Mile Plan referral from the County.

**Mayor Ferguson: Report on Mayors/Managers Meeting.** Reported CBMR is moving forward with \$57 million in projects. There will be a new lift and the three-building town center. Karen Wilkes, of Atmos Energy, was in attendance, and announced there will be further fuel cost increases. The Schleismann Foundation of Atmos Energy gave a grant of \$3,500 to the new Community Center. The ski area saw an increase of 12% in total skier days with a 1% increase in paid skier days. Sales tax is up in Crested Butte.

**Report on Rural Transportation Authority Meeting.** Mayor Ferguson reported the inbound flight load factor increased from 61.7% to 69% this year. There was an increase of 10.7% in seats sold and the subsidy paid by the RTA will decrease to \$625,000 this year. The RTA is working with American Airlines to provide daily jet service from Dallas-Fort Worth next ski season and they are continuing to focus on daily, year-around, air serve from DIA. Mayor Ferguson reported he was elected Vice-Chair of the RTA for next year.

**Councilor Simillion:** Stated the Community Center is moving right along. City Manager Collins informed Council they are conservatively two weeks ahead of schedule and the finish work is going quickly. When Region 10 is in Gunnison on April 28<sup>th</sup> for their meeting, they will take a tour of the facility.

**Councilors Stone and Duba:** Nothing further to report.

**Adjournment:** At 8:41 P.M.

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Mayor

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City Clerk